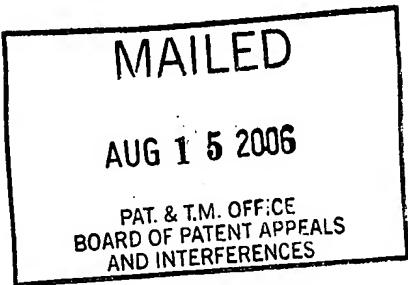




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard Torczon
Telephone: 571-272-9797
Facsimile: 571-273-0042



Applicants: BARBER
Application No.: 10/613,565
Filed: 07/02/03
For: Gene functional analysis and discovery using
randomized or target-specific ribozyme gene
vector libraries

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,434.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/
RICHARD TORCZON
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,434

Paper No.

Name: Jack R. Barber et al.

Serial No.: 10/613,565

Patent No.

Title: Gene functional analysis and discovery using randomized or target-specific ribozyme
gene vector libraries

Filed: 07/02/03

Interference with Thompson

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

BoxInterferences@uspto.gov
Telephone: 571-272-4683

Paper 1
DECLARED 15 August 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,434 (RT)
(From Technology Center 1600)

RIBOZYME PHARMACEUTICALS, INC.

(6,183,959),¹
Junior Party,

v.

IMMUSOL, INC.
(10/613,565),²
Senior Party.

DECLARATION - Bd.R. 203(b)³

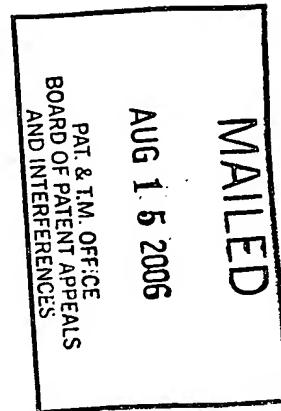
By TORCZON, Administrative Patent Judge.

1 A. Declaration of interference

2 An interference is declared pursuant to 35 U.S.C. 135(a). Details of the applications,
3 patents, count, and claims designated as corresponding to the count appear under headings E
4 and F of this DECLARATION.

5 B. Designation to manage

6 Administrative Patent Judge Richard Torczon has been designated to manage the
7 interference. Bd. R. 104(a).



¹ Docket # 233/239.

² Docket # 016556-003010US .

³ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 C. Standing order

2 A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
3 DECLARATION. The STANDING ORDER applies to this contested case.

4 D. Conference call to set dates

5 A telephone conference call to set dates for action in this contested case is scheduled for
6 **2 p.m. (Eastern) on 10 October 2006.** (The Board will initiate the call.)

7 No later than **6 October 2006**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of
8 the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

9 A sample schedule for taking action during the motion phase appears as Form 2 in the
10 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference
11 call and to agree on dates for taking action. A typical motion period lasts approximately eight (8)
12 months. Counsel should be prepared to justify any request for a shorter or longer period.

13 E. The parties to this interference14 Junior Party

15 Patent: 6,183,959 (09/112,086, filed 8 July 1998)

16 Patent: 6,448,009 (09/676,807, filed 29 September 2000)

17 Application: 10/103,480, filed 21 March 2002

18 Title: Method for target site selection and discovery

19 Inventor: James D. Thompson

Senior Party

Application: 10/613,565, filed 2 July 2003

Title: Gene functional analysis and discovery using randomized or target-specific
ribozyme gene vector libraries

5 **Inventors:** Jack Barber of San Diego, Peter Welch of San Diego, Soonpin Yei of Carlsbad,
6 and Richard Tritz of San Diego, all of California.

F. Count and claims of the parties

Count 1

The method of 6,183,959 claim 1.

The claims of the parties are:

Ribozyme:

6,183,959 - 1-48

6,448,009 - 1-39

10/103,480 - 1-19

Immusol: 39-63, 66-93, and 96-98

The claims corresponding to Count 1:

Ribozyme:

6,183,959 - 1-6, 9, 10, 12-27, 30, 31, and 36-38

6,448,009 - 1-6, 8-10, 13-26, 30, 31, and 36-38

10/103,480 - 1-10, 13, and 15-18

Immusol: 39-63, 66-93, and 96-98

1 The claims not corresponding to Count 1:

2 Ribozyme:

3 6,183,959 - 7, 8, 11, 28, 29, 32-35, and 39-48

4 6,448,009 - 7, 11, 12, 27-29, 32-35, and 39

5 10/103,480 - 11, 12, 14, and 19

6 Immusol: None

7 The benefit accorded for Count 1:

8 Ribozyme: 10/103,480, filed 21 March 2002,

9 09/676,807, filed 29 September 2000 (6,448,009),

10 09/112,086, filed 8 July 1998 (6,183,959),

11 09/108,087, filed 30 June 1998, and

12 60/051,718, filed 3 July 1997.

13 Immusol: 10/613,565, filed 2 July 2003,

14 09/355,221, filed 23 July 1999 (6,605,429),

15 PCT/US98/01196, filed 21 January 1998, and

16 60/037,352, filed 23 January 1997.

1 G. Heading to be used on papers; exhibit numbers

2 Addendum 1 provides the heading that shall be used on all papers filed in the contested
3 case. See SO ¶ 106.1.1.

4 The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

5 Immusol: 1001-1999.

6 Ribozyme: 2001-2999.

7 H. Order form for requesting file copies

8 When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite
9 processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a
10 hand-drawn circle around the patents and applications for which a copy of a file wrapper is
11 requested.

Attachment: Copy of the application⁴ claims

Enclosure: Copy of STANDING ORDER (Paper 2)

cc:

Anita J. Terpstra, McDONNELL BOEHNEN HULBERT & BERGHOFF, of Chicago, Illinois,
for Ribozyme Pharmaceuticals, Inc.

Kenneth A. Weber, TOWNSEND AND TOWNSEND AND CREW LLP, of San Francisco,
California, for Immusol, Inc.

⁴ Any United States patent listed in this paper is available at <http://patft.uspto.gov/>.

ADDENDUM 1

Filed on behalf of: [Name of Party] Paper No. [Leave blank]
By: [Name of lead counsel]
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:]

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,434 (RT)

RIBOZYME PHARMACEUTICALS, INC.
(6,183,959),
Junior Party,

v.

IMMUSOL, INC.
(10/613,565),
Senior Party.

TITLE OF PAPER

ADDENDUM 2

FILE COPY REQUEST
Patent Interference No. 105,434

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

1. Charge fees to USPTO Deposit Account No. _____

2. Complete address,⁵ including street, city, state, ZIP code, and telephone number:

3. Telephone, including area code: _____

⁵ Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.